

### **REMARKS/ARGUMENTS**

In response to the Examiner's Advisory Action of January 4, 2007 the Applicant respectfully submits the accompanying Request for Continued Examination and the below Remarks.

#### ***Regarding 35 USC 103(a) Rejections***

It is respectfully submitted that the subject matter of pending independent claims 1, 19 and 38, and claims 3, 5, 6, 8, 10-18, 21, 24 25, 27, 29-37, 40, 42-44 and 46-54 dependent therefrom, is not taught or suggested by any one or more of Campbell, Silverbrook, Anagnostopoulos and De Moor in view of Lebens et al. (US 6,631,979), for at least the following reasons.

In the Continuation Sheet of the Advisory Action, the Examiner asserts that "the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. Instead, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art" with respect to the arguments submitted by the Applicant in the Reply to the final Office Action of November 7, 2006.

The Examiner's assertion is a quotation from MPEP §2145 III. which also states that "the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See MPEP § 2143.01".

MPEP §2143.01 V. states that "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification", and MPEP §2143.01 VI. states that "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."

Accordingly, the Applicant respectfully maintains that the Examiner's asserted combination of Campbell and Lebens "to utilize a heater element in the form of a cantilever beam into the invention of Campbell" with the "motivation for doing so, as taught by Lebens et al., is to operate the thermal actuator at reduced energy and acceptable peak temperatures" would not have been obvious to one of ordinary skill in the art.

This is because, as previously discussed by the Applicant, if the heater element of Campbell were positioned in or on the cantilever beam disclosed by Lebens, the carefully designed bubble nucleation specifically disclosed by Campbell may be effected in such a way as to not optimize the efficiency and may result in undesired cavitation effects due to the bubble collapse being effected by the movement of the thermal actuator. Thus, the proposed modification of Campbell would render the disclosed arrangement of Campbell unsatisfactory for its intended purpose and would change the principle of operation of the disclosed arrangement of Campbell.

Therefore, contrary to the Examiner's assertion, there is no motivation for one of ordinary skill in the art to modify the arrangement of Campbell based on the disclosure of Lebens, or any of the other references in Silverbrook, Anagnostopoulos and De Moor.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



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